

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

John Stotesbery,

*On behalf of himself and those
similarly situated,*

Plaintiff,

v.

Muy Pizza-Tejas, LLC, *et al.*,

Defendants.

Case No. 0:22-cv-01622-KMM-TNL

PLAINTIFF'S MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15 and L.R. 7.1(b), Plaintiff hereby seeks leave to file his Third Amended Complaint. Plaintiff's Third Amended Complaint adjusts the scope of the FLSA collective class as it relates to James Bodenstedt, the Defendant who was recently added to the case and who recently made his appearance. The proposed FLSA collective class as it relates to James Bodenstedt includes all delivery drivers employed nationwide.

Plaintiff's Motion is not made in bad faith, after undue delay, or with dilatory motive, and will not result in undue prejudice to Defendants. *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 9 L.Ed.2d 222 (1962). The case is currently stayed and the parties will submit a new proposed schedule in the event the stay is lifted. Thus, the Court should grant Plaintiff's request.

Plaintiff has conferred with Defendants about the request made herein as required by L.R. 7.1(a). Muy Pizza-Tejas, LLC, Muy Pizza Minnesota, LLC, and James Bodenstedt have

stated that they intend to oppose the Motion. Ayvaz Pizza, LLC and Shoukat Dhanani have not responded to state whether they will oppose the Motion, so Plaintiff assumes they will oppose the Motion.

Respectfully Submitted,

s/ Andrew Kimble

Andrew P. Kimble (*pro hac vice*)
BILLER & KIMBLE, LLC
8044 Montgomery Rd., Ste. 515
Cincinnati, OH 45209
Telephone: (513) 202-0710
Facsimile: (614) 340-4620
akimble@billerkimble.com

www.billerkimble.com

s/ Corey W. Kobbervig

Corey W. Kobbervig (#0395472)
KOBBERVIG LAW LLC
1624 Harmon Pl Ste 300G
Minneapolis, MN 55403
Telephone: (651) 357-0111
corey@kobberviglaw.com

www.KobbervigLaw.com

Counsel for Plaintiff and the putative class

Certificate of Service

The undersigned hereby certifies that the above document was filed through the Court's ECF system, which will provide notice to all parties.

/s/ *Andrew Kimble*

Andrew Kimble